

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----X		
In re)	Chapter 11
)	
TELEGLOBE COMMUNICATIONS)	
CORPORATION, <i>et al.</i> ,)	Jointly Administered
)	Bankr. Case No. 02-11518(MFW)
)	
Debtors.)	
-----X		
TELEGLOBE COMMUNICATIONS)	
CORPORATION,)	
<i>et al.</i> ,)	C.A. No. 04-1266 (SLR)
)	
Plaintiffs,)	
)	
v.)	
)	
BCE INC., <i>et al.</i> ,)	
)	
Defendants.)	
-----X		

**DECLARATION OF RUSSELL C. SILBERGLIED IN SUPPORT OF
PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANTS'
MOTION *IN LIMINE* TO EXCLUDE THE EXPERT TESTIMONY OF
PAUL CHARNETZKI AND CARLYN TAYLOR AS A SANCTION FOR THE
SPOILIATION OF INFORMATION CONSIDERED IN FORMING THEIR OPINIONS**

I, Russell C. Silberglied, declare and state as follows:

1. I am a director at the law firm of Richards, Layton & Finger, P.A., representing the Debtors in the above-captioned matter.

2. At page 10 of their "Opening Brief and Support of Their Motion *in Limine* to Exclude the Expert Testimony of Paul Charnetzki and Carlyn Taylor as a Sanction for the Spoliation of Information Considered in Forming Their Opinions" (the "Motion"), Defendants imply that at the time of a March 1, 2006 meeting attended by Plaintiffs' three testifying experts, Plaintiffs had an "explicit agreement with Defendants that the parties would 'mutually

exchange” drafts of opinions and experts’ notes. Any such implication is false. There was no pending document request at the time, nor an explicit or an implicit understanding between the parties.

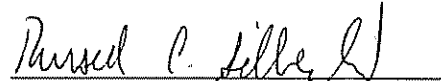
3. On March 10, 2006, I placed a telephone call to George Wade, Esq. of Shearman & Sterling to see if the parties could mutually agree upon categories of expert documents to be exchanged pursuant to this Court’s “Discovery Plan and Scheduling Order,” which only provided, in relevant part, that “document discovery with respect to expert witnesses shall be completed by April 21, 2006.” Prior to my call with Mr. Wade, neither party had demanded any “document discovery with respect to expert witnesses,” nor were there any conversations or understandings, implicit or explicit, on the subject.

4. Mr. Wade informed me on the March 10 telephone call that he would consider my suggestion and get back to me. Thus, we did not discuss on that call what any of the categories of expert document discovery would be.

5. Thereafter, at some point prior to March 16, 2006, I received a telephone call from Jaculin Aaron, Esq. at Shearman & Sterling concerning document discovery with respect to expert witnesses. Ms. Aaron stated that she was generally agreeable to the concept of a mutual list of categories, and asked me to prepare the first draft thereof for her review and comment. I asked her if there were any particular categories that she wanted to see addressed. She responded in the affirmative: drafts of reports and notes. That was the first discussion of drafts in this case.

6. On March 16, 2006, I sent a proposed list of categories to Ms. Aaron. See Declaration of Stephen J. Marzen at Ex. 1. I included what Ms. Aaron asked me to include, as well as other categories. Ms. Aaron accepted my proposal, with minor modifications not relevant here, by letter dated March 24, 2006. Id.

I declare, under penalty of perjury, that the foregoing is true and correct.


Russell C. Silberglied (No. 3462)

Executed on May 31, 2006

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2006, I hand delivered and electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will send notification of such filing(s) to the following:

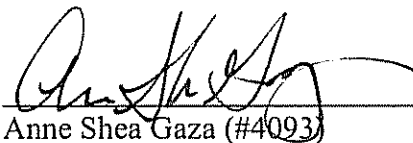
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I hereby certify that on May 31, 2006, I have sent by Federal Express the foregoing document to the following non-registered participants:

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